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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/527,586

03/14/2005

Hans-Christoph Magel

R.303662

9118

2119

7590

09/29/2006

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EXAMINER

MOULIS, THOMAS N

ART UNIT

PAPER NUMBER

3747

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

NT

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/527,586	MAGEL, HANS-CHRISTOPH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas N. Moulis	3747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/14/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 is indefinite and inaccurate for stating in the last paragraph "...a compensation device (9) located in the high-pressure line (8, 27) between the high- pressure reservoir (7) and the fuel injector (40), the compensation device (9) establishing either a throttled connection (19) or an unthrottled connection (21) between the high pressure **line** (8, 27) and the high pressure **reservoir** (7)."

Figures 1 and 2 show the compensation device is in the high pressure line between the pressure reservoir and the **injector**, therefore a throttled or an unthrottled connection is established between the reservoir and **the injector**. The reservoir and the high pressure line are always in full communication with each other. Perhaps the original claim 1 describes the device more accurately.

Claim 29 depends from canceled claim 11.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by

Hlousek US 5,441,029. The reference discloses a fuel injection apparatus, having a high-pressure reservoir (7) by way of which fuel at high pressure is delivered to a fuel injector, the high-pressure reservoir and the fuel injector communicating with one another via a high-pressure line, characterized in that a compensation device is located in the high-pressure line between the high-pressure reservoir and the fuel injector and between them establishes either a throttled connection or an unthrottled connection, depending on the position of the valve. The valve includes a piston-like member disposed within a housing. See entire document.

5. Claims 17-18 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by

DE 196 40 085. The reference discloses a fuel injection apparatus, having a high-pressure reservoir (6) by way of which fuel at high pressure is delivered to a fuel injector, the high-pressure reservoir (6) and the fuel injector 12 communicating with one another via a high-pressure line 11, characterized in that a compensation device (8) is located in the high-pressure line (11) between the high-pressure reservoir (6) and the

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fuel injector (12) and between them establishes either a throttled connection or an unthrottled connection, depending on the position of the valve being partially open or fully open. The valve includes a piston-like member disposed within a housing.

6. Claims 17-18, 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Fraenkle et al US 6,694,954.. The reference discloses a fuel injection apparatus, having a high-pressure reservoir (6) by way of which fuel at high pressure is delivered to a fuel injector, the high-pressure reservoir (2) and the fuel injector communicating with one another via a high-pressure line 3, characterized in that a compensation device (13) is located in the high-pressure line (3) between the high-pressure reservoir (2) and the fuel injector and between them establishes either a throttled connection or an unthrottled connection, depending on the position of the valve being partially open or fully open. The valve includes a piston-like member disposed within a housing. See columns 2-3 describing the device. See column 3, lines 14-20 describing the throttled position of the valve.

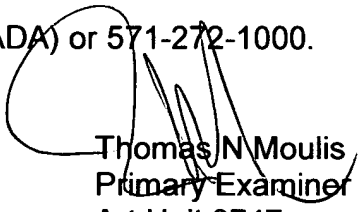
### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the cited documents showing throttle valves in fuel systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas N. Moulis whose telephone number is 571 272 4852. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen K. Cronin can be reached on 571 272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas N Moulis  
Primary Examiner  
Art Unit 3747

tm